

Civil Action No. 5:17-CV-527

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2. Citation for the State Court Action was issued on May 25, 2017 and served on Defendant Travelers Home and Marine Insurance Company personal service on May 25, 2017. Defendant Kate Cofiehl was served on June 1, 2017.

II. BASIS FOR REMOVAL

3. This Court has original jurisdiction over this State Court Action, pursuant to 28 U.S.C. §1332(a), because it is a civil action between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

4. The Plaintiffs' Original Petition states that Plaintiff is seeking monetary relief over \$100,000 but not more than \$200,000 *See Exhibit A-1 page 2, paragraph 5*. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs

5. Plaintiffs were at the time of the filing of this action, have been at all times since, and still are individual resident citizens of Texas. For diversity purposes, an individual is a citizen of the state of her domicile, which is the place of her true, fixed, and permanent home and principal establishment, to which she has the intention of returning home whenever she is absent therefrom. *See Stine v. Moore*, 213 F.2d 446, 448 (5th Cir. 1954). Accordingly, Plaintiffs are citizens of Texas.

6. Defendant The Travelers Home and Marine Insurance Company at the time of the filing of this action, at the time of this removal, at all relevant times since and is currently, a citizen of the State of Connecticut because it is a Connecticut corporation with its principal place of business in the state of Connecticut.

7. Defendant Kate Cofiehl was at the time of the filing of this action, has been at all times since, at the time of removal and still is an individual resident citizen of Connecticut. *See Exhibit A-*

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1, page 2, paragraph 4.

8. Because the amount in controversy exceeds \$75,000 and Plaintiffs are citizens of Texas while no properly joined defendant is a citizen of Texas, this Court has original jurisdiction over the present action pursuant to 28 USC §1332. Therefore, removal is proper.

9. Defendant Cofiell consents to the removal of this matter. *See Exhibit B.*

10. This action may be removed to this Court pursuant to 28 USC §1441(a), which allows for the removal of any civil action brought in the state court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the District Court of the United States for the district and division embracing the place where such action is pending.

11. This Notice of Removal is filed within thirty (30) days after service (on May 26, 2017) by Defendants of the State Court Action. This Notice of Removal is also been filed within one year of the filing of Plaintiff's Original Petition by which the State Court Action was commenced. This Notice, therefore, is timely filed pursuant to 28 USC §1446 (b).

III. PROCEDURAL REQUIREMENTS

12. In accordance with 28 USC section 1446 (D), Defendants will promptly give written notice of this Notice of Removal to Plaintiffs through counsel of record and file a copy of this Notice of Removal in the 166TH Judicial District Court, Bexar County, Texas.

13. Defendants reserve the right to amend or supplement this Notice of Removal.

14. The following are included in the Appendix filed contemporaneously with this Notice of Removal:

(a) an index of all documents that clearly identifies each document and indicates the date the document was filed in the State Court Action;

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- (b) a copy of the docket sheet in the State Court Action;
- (c) a copy of each document filed in the State Court Action, except discovery material, arranged in chronological order according to the state court filing date; and
- (d) a separately filed JS-44 Civil Cover Sheet.

For the above reasons, Defendants give notice of the removal of the State Court Action to this Court and respectfully request that this action proceed before this Court as though it had originally been instituted in this Court.

Dated: 14th June, 2017

Respectfully submitted,

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& BURNS, P.C.
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ATTORNEY FOR DEFENDANT

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to the following counsel of record in compliance with the Federal Rules of Civil Procedure this 14 day of June, 2017:

Rene M. Sigman
Mostyn Law
3810 W. Alabama Street
Houston, Texas 77027



ROBERT F. SCHEIHING